08/968,208

Case No. 4380 US

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T-310

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	) Group Art Unit: 1743 5 pages total
Russell Higuchi	) Examiner: J. Snay
Serial No.: 08/968,208	CERTIFICATE OF MAILING
Filed: November 12, 1997	1 hereby certify that this correspondence is being facsimile transmitted to Examiner J. Snay in Group 1743, at the United States Patent and Trademark Office, fax number 703-272-9747, on
For: HOMOGENEOUS METHODS FOR NUCLEIC ACID AMPLIFICATION AND DETECTION	(Date of Deposit)  Vincent M Powers  Name of Depositing Party  Signature of Depositing Party

### TRANSMITTAL

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

Further to the Supplemental Amendment and IDS hand-delivered to the Examiner during the week of July 23, 2001, attached hereto is a Declaration Under 37 CFR 1.132 by Bojan Savic.

Respectfully submitted,

Date: Aujust 1, 2001

CORRESPONDENCE ADDRESS

Customer Number 22896 Applied Biosystems Division PE Corporation (NY) 850 Lincoln Centre Drive Foster City, CA 94404 (650) 638-6492 (Phone) (650) 638-6677 (Fax) Vincent M. Powers Attorney for Applicants

Reg. No. 36,246

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08/966-208

Case No. 4380 US

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	Group Art Unit: 1743	
Russell Higuchi	) Examiner: J. Snay	
Serial No.: 08/968,208 V	) CERTIFICATE OF MAILING	
Filed November 12, 1997	) [ hereby cavity that this correspondence is being faccinate transmitted to Brancher 1. Stay in Group 1743, at the United States Potent and Trademade Ciffon, for number 702-972-0747, on	
For: Homogeneous Methods for Nucleic Acm Amplification and Detection	Angust 1 2001  (Date of Deposits)  Vincent M Powers  Name of Depositing Party  Signalum of Depositing Party	

#### DECLARATION UNDER 37 CFR 1.132 BY BOJAN SAVIC, PH.D.

Assistant Commissioner for Patonts Washington, D.C. 20231

Sir;

- I, Bojan Savic, hereby declare and affirm the following:
- 1. I am a German Patent Attorney employed with the Patent and Law Office of Dr. Volker Vossius in Munich, Germany. I have handled prosecution of PCT, European and German Patents for over four years. I have a master degree from the Columbia University in New York and a doctoral degree in Chemistry from the University of Heidelberg, and I am fluent in German and English.
- 2. I have recently been made aware of a Diploma Work by Rolf Gunther entitled "Aufbau eines Multikanal-Glasfaserfluorimeters" which, according to its first page, describes work done at the Max-Planck-Institut für biophysikalische Chemie in Görningen, Germany.
- 3. On May 7, 2001, I sent letters to both the Max-Planck Library (Max-Planck-Institut für biophysikalische Chemie, Karl-Friedrich-Bonhooffer-Institut, Otto-Hahn-Bibliothek) and the Library of the University of Göttingen (Niedersächsische Staats und Universitätsbibliothek

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Gottingen) to ask whether and when the thesis had been deposited, since as a result of various inquiries, I had found that these were the only two libraries where such a thesis from the author's department would customarily be deposited.

4. As a result, I received a letter dated May 15, 2001 from the Max-Planck Library that states:

"The diploma thesis of Mr. Rolf Günther titled "Aufbau eines Multikanal-Glassaserfluortmeters" was added to the stock of the Otto-Hahn-Bibliothek on July 20, 1999. The thesis was recorded by us on August 2, 1999. This means that from this date on, the thesis has formed part of our catalogue and has thus been known and accessible to the public."

5. I also received a letter dated May 14, 2001 from the Library of the University of Göttingen that states:

"As you can also see from our catalogues, we neither have in stock the diploma thesis of Rolf Günther in electronic nor in printed form,"

- 6. I do not know of any other official repository, database, or the like, by which the above thesis was published.
- 7. I declare that all statements made herein of my own knowledge are true, that I believe that any statements herein made on information and belief are true, and that any willful false statements herein could jeopardize the validity of this application or any patent issued thereon.

Date

Bojan Savic, Ph.D.

#### Attachments:

Letter of May 15, 2001 from the Max-Planck-Institut für biophysikalische Chemie, Karl Friedrich-Bonhoeffer-Institut, Otto-Hahn-Bibliothek)

Letter of May 14, 2001 from the Nicdersächsische Staats und Universitätsbibliothek Göttingen

P. 004

# Max-Planck-Institut für biophysikalische Chemie Karl-Friedrich-Bonhoeffer-Institut Otto-Hahn-Bibliothek

Postanschrift: D-37070 Göttingen Hausanschrift: Am Fassberg 11 D-37077 Göttingen Telefax: (0551) 201 1782 Telefon: (0551) 201 1349 Email: breusc@gwdg.de

Mex-Planck-Institut für biophysik. Chemie, D-37070 Göttingen 三的合法 Anwaltskanzlei Dr. V. Vossius 15 Mai 200 z. Hd. Herrn Dr. Bojan Savic Holbeinstr. 5 81679 München

Thre Zeichen 130-1 Gm

Aug-01-2001 ·09:31am

Ihre Nachricht vom 7.5.2001

Datum 15.5.2001

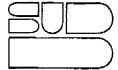
Sehr geehrter Herr Dr. Savic,

die Diplomarbeit von Herrn Rolf Günther mit dem Titel "Aufbau eines Multikanal-Glasfaserfluorimeters" ist am 20.7.1999 in den Bestand der Otto-Hahn-Bibliothek aufgenommen worden. Die Titelaufnahme der Arbeit erfolgte am 2.8.1999. Ab diesem Datum war die Arbeit somit im Katalog unserer Bibliothek nachgewiesen und der Öffentlichkeit damit bekannt und zugänglich.

Mit freundlichen Grüssen

Bernhard Reuse Dipl.-Bibl.

NIEDERSÄCHSISCHE STAATS- UND UNIVERSITÄTSBIBLIOTHEK GÖTTINGEN



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Niedersächsische Staats- u. Universitätsbibliothek, D - 37070 Göttingen

Patentanwaltkanzlei Dr. Volker Vossius Herrn Dr. Bojan Savic Holbeinstr. 5

81679 München

the Zeichen, thre Nochricht vom 07.05.2001 Gm

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mi/ra d 8531

Der Direktor

Niedersächsische Staatsund Universitätsbibliothek D - 37070 Göttingen Tel. (0551) 39 52 10 Fax (0551) 39 52 22

E-mail: sub@mail.sub.uni-goeningen.de-

Datum

14.05.2001

#### Report on Evolution Research

Sehr geehrter Herr Dr. Savic,

die Diplomarbeit von Rolf Günther liegt uns weder elektronisch noch gedruckt vor, wie Sie auch unseren Katalogen entnehmen können.

Mit freundlichen Grüßen

(Prof. Dr. E. Mittler)